



2023 Legislative Summary

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State Board of Accounts Conference
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New ID Requirements for Absentee Voting



- Voter must provide an Indiana Driver's License Number, Indiana identification number, unique ID number in SVRS or last 4 of social security number on any application. For mail in applications, the voter may provide a photocopy of their valid Indiana driver's license or ID card number or other proof of ID permitted by the photo ID law (IC 3-5-2-40.5).
- If the voter submits a credential number instead of copy of ID, then credential number needs to match their SVRS voter ID number.
 - However, if the voter provides a DLN/ID/SSN credential number that is not currently found in the voter registration record, the county will update the record to include this information, after being validated by the BMV call.
- If voter provides a copy of their ID, then there is no further action to take if the ID complies with the state's photo ID law.



New ID Requirements for Absentee Voting



- SVRS is currently being modified to allow counties to add the new ID number to the voter registration record. Adding an ID number to a record will take effect immediately, without putting the registration into pending status.
- Identification information is provided by the BMV through SVRS. The BMV information will identify if an ID number is temporary, referring to an individual who holds a temporary immigration status.
- Temporary status is not necessarily indication the voter is not a US citizen.
 - This is "point in time" verification when the credential application was made and may not be the current status of the individual.
 - **CEB must do additional research to determine if individual is eligible to vote.**
 - Effective July 1, 2023



(IC 3-11-4-2, IC 3-11-4-2.2, IC 3-11-4-3, IC 3-11-4-5.1, IC 3-11-4-17)

New ID Requirements for Absentee Voting



- The new ID information on absentee applications does not apply to in-person absentee voting in counties using electronic pollbooks.
 - If you choose not to use an electronic pollbook, you will have to use a paper application so the voter can provide one of the ID numbers now required and you will need to match the ID number in SVRS prior to approving the application OR make a copy of the voter's valid photo ID to attach to the application.
- The temporary credential information provided by the BMV and given to the county voter registration official is confidential and may not be provided to the public.



(IC 3-11-4-2, IC 3-11-4-2.2, IC 3-11-4-3, IC 3-11-4-5.1, IC 3-11-4-17)

New ID Requirements for Absentee Voting

- The identification number provided on the voter's absentee ballot application, or the photocopy of the identification document provided with the application is confidential. A county voter registration official is only required to redact the confidential information in responding to a public records request.
- A voter's ID number once placed on their registration record is public information.

(IC 3-11-4-2, IC 3-11-4-2.2 IC 3-11-4-3, IC 3-11-4-5.1, IC 3-11-4-17)

ABS CURE PROCESS



- If an ABS-Mail application does not have all the required information to receive an absentee ballot and is received by the county more than 12 days before the election, the county must send the voter a notice and provide the voter an opportunity to cure the issue using a form prescribed by the Election Division.
- If a defective ABS-Mail application is received less than 12 days before an election and before noon before election day, the county must: (1) send the voter an absentee application and a notice explaining the requirements necessary to vote by absentee ballot; and (2) provide the voter an opportunity to cure the issue using a form prescribed by the Election Division. If the application is late, the notice must include a statement that the application was late.
- The law is silent on what to do if a defective application comes in on day 12.



(IC 3-11-4-17.5, IC 3-11-4-17.6)



ABS CURE PROCESS

- If a voter submits a defective application before the deadline to receive an absentee ballot, then notwithstanding the requirement under law for previous unanimous approval from the county election board, the clerk may deliver an absentee application in person, approve the second application if the defect is corrected, and if accompanied by a bi-partisan absentee voter board, provide an absentee ballot to the voter.
- The voter may then return the absentee ballot to the absentee voter board or county election board. If a county chooses to provide this service, it must be done in a uniform manner to all applications governed by this procedure.



(IC 3-11-4-17.5, IC 3-11-4-17.6)





ABS Signature Comparison

Beginning the Central Count of Absentee Ballots on Election Day

Requires all counties that use electronic poll books ensure that the electronic pollbooks have been updated to reflect all absentee ballots received by the county before election day before the county election board begins counting absentee ballots. (IC 3-11.5-4-11)

Absentee Ballot Signature Comparison Using Ballot Secrecy Waiver From

Permits the county election board or absentee voter board to compare the voter's signature on the absentee ballot application with the signature on the ballot secrecy waiver form (ABS-25 for voters with print disabilities or ABS-9 for military/overseas voters) (IC 3-11.5-4-5)

County Visiting US Post Office on Election Day


Permit visiting the Post Office as late as 6 p.m. on election day (IC 3-11-10-11, IC 3-11.5-4-7)





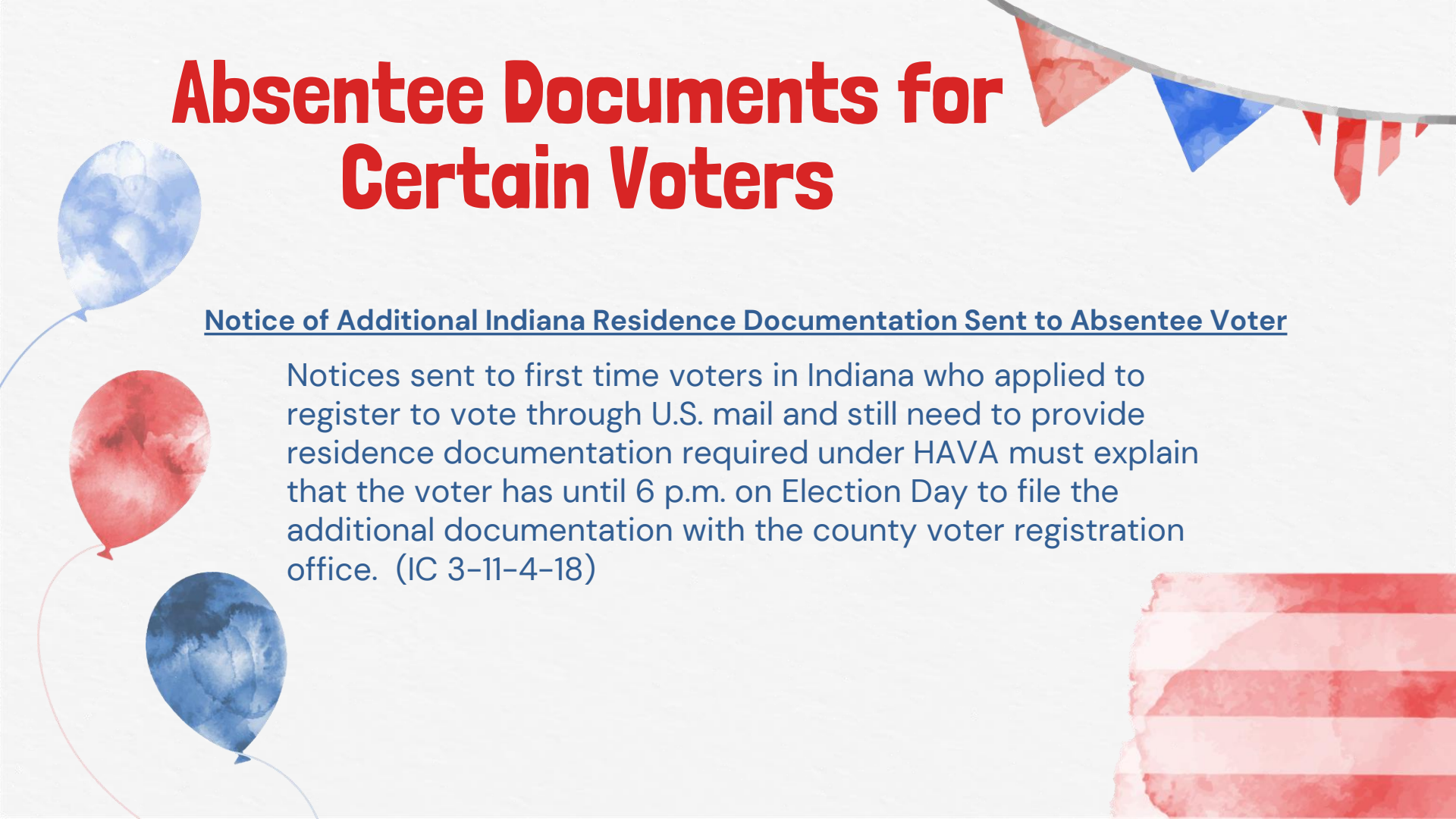
Absentee Initiating Procedures

Initials of Absentee Board Members in Certain Optical Scan Counties



In a county that uses an optical scan ballot marking device that also contains features used in a touchscreen direct record electronic system, when an absentee voter is voting in the designated clerk's office or in a satellite office, the initials of the absentee board members may be applied after the ballot has been marked by the voter so the absentee board cannot see how the voter marked the voter's ballot. (IC 3-11-10-27)

Absentee Documents for Certain Voters



Notice of Additional Indiana Residence Documentation Sent to Absentee Voter

Notices sent to first time voters in Indiana who applied to register to vote through U.S. mail and still need to provide residence documentation required under HAVA must explain that the voter has until 6 p.m. on Election Day to file the additional documentation with the county voter registration office. (IC 3-11-4-18)



Persons Allowed in Room Where Absentee Voting Occuring

Only the individuals permitted to be in the polls on election day may be in the room where absentee voting is occurring before election day at the designated clerk's office or a satellite office of the clerk.

Persons permitted at polls during elections

- (1) Members of a precinct election board
- (2) Poll clerks and assistant poll clerks
- (3) Election sheriffs
- (4) Deputy election commissioners
- (5) Pollbook holders and challengers
- (6) Watchers
- (7) Voters for the purpose of voting
- (8) Minor children
- (9) An assistant to a precinct election officer
- (10) An individual authorized to assist a voter
- (11) A member of a county election board, acting on behalf of the board.
- (12) A technician (formerly mechanic)
- (13) Either of the following who have been issued credentials by the county election board:
 - (A) The county chairman
 - (B) The county vice chairman
- (14) The secretary of state

(IC 3-11-8-15, IC 3-11-10-26.8)

Absentee Applications



Absentee Applications Mailed Upon Request

A political subdivision (such as county, state, municipality) may only mail an absentee application if requested by the voter or a family member (spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece) under IC 3-6-6-7(a)(4)) (IC 3-11.5-4-5)

Primary Ballot Party Choice for Uniformed Services and Civilian Overseas Voters

- If the voter chooses a different political party on the initial federal write-in absentee ballot and the later issued federal post card application, the later application's party choice supersedes the party choice on the federal write-in ballot. (IC 3-12-1-18)
 - In a primary election only, CEB must first confirm the political party requested by the voter on the Federal Post Card Application (FPCA) before reviewing the voter's Federal Write-In Absentee Ballot (FWAB). The FWAB is the back-up ballot to be counted if the original ballot was not received on time. If the FWAB has choices for candidates of the opposite political party than what was indicated on their application (FPCA), then those choices cannot be counted.



Returning Absentee Ballots

A voter who receives an absentee ballot by mail shall do one of the following after the ballot is sealed inside the required envelope:

- (1) deliver the envelope to the county election board in person;
- (2) deliver the sealed envelope through the U.S. Mail or a bonded courier company, to the county election board with only one ballot in the return envelope; or
- (3) authorize a member of the voter's household or family member (listed in slide 11) or the voter's attorney in fact to deposit the sealed envelope in the US mail or deliver the sealed envelope to the county election board. (IC 3-11-10-1, IC 3-11-10-24)



Ballots

Candidate Name Listing on Ballot

Requires the ballot be arranged so all candidates for the office appear on the same page or screen of the ballot. (IC 3-11-2-12.3)

Sample Ballots in Polling Places

Permits a county to use an electronic device (other than an electronic poll book) to display a sample ballot. A county may repurpose an electronic poll book to display a sample ballot (IC 3-11-3-25, IC 3-11-15-59)



Campaign Finance

Deceased or Incapacitated Committee Treasurer



Permits the chairman of a campaign committee to file a final report for the committee when the treasurer is deceased or otherwise cannot make the filing. (IC 3-9-5-12)

Personal Representative (Executor of Decedent) Disbanding Candidate Committee

Permits the personal representative of a deceased committee treasurer or candidate for office to disband a campaign finance committee associated with the deceased person's office or campaign. (IC 29-1-8-12)

Signature

A candidate, campaign finance committee chairman or treasurer may use an electronic signature, digital signature, digitized signature, or photocopied signature on a campaign finance statement or report filed with the Election Division or a county election board. (IC 3-5-4-1.7)



Candidates

Candidate Filings for Local Office in More Than One County

Requires the circuit court clerk of the county with greatest population of the election district shall promptly certify to other county clerks in the election district the names of candidates who have filed with the clerk of the largest county. (IC 3-8-2-6)

Petition Requirements in Small Towns

Provides that if the number of petition signatures required to be placed on the municipal election in a small town is impossible to calculate because the entire town consists of some, but not all, of a single precinct, then the minimum number of signatures required for the petition is **five**. (IC 3-8-6-3) **Now in effect!**

Local Government Officeholders

Political Party Primary Affiliation Requirements for Local Government Appointees

When state law or a political subdivision requires board membership be based on the political affiliation of the appointee, the appointee must have either: (1) voted in the two (rather than just the most recent) primary in Indiana for the party with which the appointee claims affiliation or if the appointee has never voted in an Indiana primary, be certified as a member of that party by the county chairman of that party. Applies to individuals appointed beginning July 1, 2023. (IC 36-1-8-10)

Dual Lucrative Office

When an elected official of a local government becomes an employee of that unit of local government, the individual is considered to have resigned as an elected official. (IC 3-5-9-5)



Forms

Filing of Voting System Public Test with Election Division

Permits a county to file a signed form of voting system public test with the Indiana Election Division by email or fax. (IC 3-11-13-22, IC 3-11-14.5-11)

Notice of Officeholder Death

The Circuit Court Clerk shall receive notice of death, not the County Auditor or Prosecuting Attorney. (IC 3-13-10-2, IC 3-13-10-4, IC 5-8-6-3)

Legal Notice of Vote Center Locations

The county election board, rather than the county executive, must publish the required legal notice of vote center locations. (IC 3-11-18.1-9)

Voter List Maintenance Affidavit

Extends the current time period for a county voter registration office to file this affidavit with the Indiana Election Division to 17 days before a municipal election. (IC 3-7-12-27)

Redistricting/Reprecincting

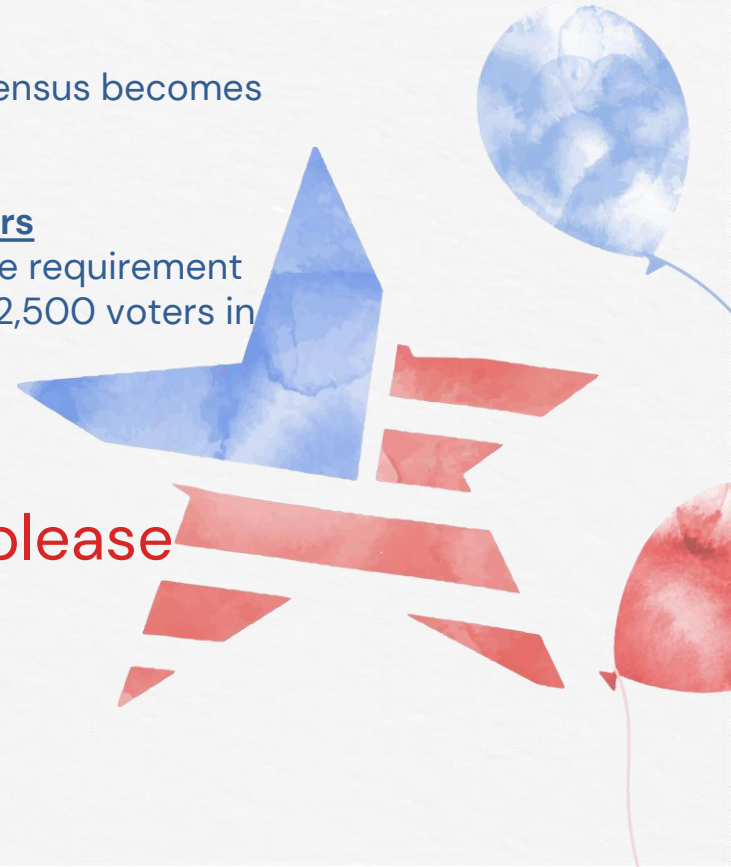
Name of Precinct Set Forth in the 2020 Decennial Census

The name of a precinct as set forth in the federal decennial census becomes the official name of the precinct. (IC 3-11-1.5-38.1)

Active Voter Limits Removed in Counties Using Vote Centers

A county using vote centers is not required to comply with the requirement that a precinct contain no more than 2,000 active voters (or 2,500 voters in some cases). (IC 3-11-1.5-3)

***If you are considering changes to precincts in your county for 2024, please let us know.**



Voter Registration Applications Potential

Non-Residential Address Check

- Requires SVRS to include a feature that identifies potential non-residential addresses submitted on voter registration applications.
- Before making a determination on an application, the county voter registration office must conduct research to determine if an individual could reside at the address or the applicant resides at a non-traditional address such as a recreational vehicle or a homeless shelter.
(IC 3-7-33-5.7)

Voter Registration

Updating voter signature in statewide voter registration system

Permits a county voter registration office to update a voter's signature in SVRS by using the signature on a poll list, a voter registration application or address confirmation notice, a change of address affidavit used to return to the voter's former precinct of residence one last time before transfer, or an absentee ballot application. (IC 3-7-40.5-2)

Voter affirmation of continuing to reside at address shown as cancelled record

Amends current law permitting a voter to swear on the absentee ballot application that the voter continues to reside at the address where the county voter registration office shows as cancelled. (IC 3-7-48-5)



Voting Systems & ePollbook Security

Direct Record Electronic Voting System Security

In a precinct or vote center using a direct record electronic voting system, the precinct election board may meet at the polling location to determine that the ballots are correct and that the voting systems are secured. (IC 3-11-14-15)

Security Requirements for Voting Systems

The certificate to be issued indicating the optical scan or direct record electronic voting systems were safely received from the bipartisan delivery team or the commercial delivery company employed by the county includes the transit time ending when the voting systems were received at the polls (not from the county election board). (IC 3-12-3-2.2, IC 3-12-3.5-4.5)

Zero Vote Tests at Vote Centers

In a vote center county, the county election board must determine that the systems used at the vote center have zero votes cast on them for each candidate and question and complete the certification that each voting system is in order. (IC 3-11-13-27 IC 3-11-14-17)

Questions?

Contact us

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